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EXAMINER

LAXTON, GARY L

ART UNIT

PAPER NUMBER

2838

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-13 have been considered but are moot in view of the new ground(s) of rejection.

It should be noted, however, that everything the applicant argued is not found in the claim language. That is to say, the features upon which applicant relies on in the arguments are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-6 and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claims 1 and 12 recite “a circuit” coupling a power supplying module to a common point. Then claims 1 and 12 recite “a respective circuit” is associated with a respective power supplying module. Then the claims recite that “the circuit” comprises a transistor. First, it is unclear how many circuits the applicant is attempting to claim. At first, it sounds like there is only one. Then all of a sudden, it sounds like there are more than one. The applicant claims that

“each” power supplying module is connected to the common node. The phrase “each” seems to imply there are more than one, but that is not clear from the chosen claim language. Also, when the applicant recites the phrase “the circuit” in lines 4 and 3 in each respective claim, it is unclear which “circuit” the applicant is referring to. Is it the circuit mentioned in line 1 or is it the “respective circuit” mentioned later? How many circuits are there? And would the applicant kindly separate them with different labels to keep them straight? Therefore, the limitation “the circuit” in lines 4 and 3 of the claims and the limitation “each power supplying module” and the limitation “one of said modules” lack sufficient antecedent basis in the claims.

Claims 2-6 inherit the same through dependency.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 3-7 and 9-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Cuadra et al. (US 6,301,133 – supplied by applicant).

Cuadra et al. disclose a circuit (e.g. 50) configured for coupling a power supplying module(s) (e.g. 400) to a common point (10), whereby [the] circuit(s) is associated with a power supplying module(s) to connect [the] power supplying module(s) to the common point, and wherein the circuit comprises an electronically controlled transistor element (51) configured for conveying a current of a magnitude belonging within a predefined range (controlled by controller

60), a device for detecting the direction of the current (e.g. 110), and a control circuit (60) configured for controlling the transistor element in such a manner that a current from the common point to the modules can be essentially prevented, further wherein the transistor element (50) can be controlled in such a manner that a pre-selected voltage drop is produced across the transistor element independently of the current magnitude (i.e. voltage regulation verses current regulation), the control circuit (60) having an input coupled across the transistor element and having an output coupled to a control electrode of the transistor element to maintain the pre-selected voltage drop (e.g. see figure 2).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. Claims 2 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cuadra et al. in view of Minks.

Cuadra et al. disclose the claimed invention in regards to claims 1 and 7 supra, except for transistor element comprises a number of transistor elements interconnected in parallel.

Minks teaches coupling a number of transistor elements interconnected in parallel (Q7-Q12) in order to provide very high current and gain to the load circuit.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Cuadra et al. to include a number of transistor elements interconnected in parallel in order to provide very high current and high gain to the load as taught by Minks.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary L. Laxton whose telephone number is (571) 272-2079. The examiner can normally be reached on Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Akm Ullah can be reached on (571) 272-2361. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gary L. Laxton/
Primary Examiner
Art Unit 2838

4/24/2008